

Substitute for form 1449/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Application Number 10/693,604

Filing Date 10/27/2003

First Named Inventor Richard ASSAKER

Art Unit 3731

Confirmation No. 6463

Examiner Name Unknown

Sheet

1

of

4

Attorney Docket Number 64118.000033

## U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	DOCUMENT NUMBER Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
1	1	2002/0120273	08-29-2002	Needham et al.	
2	2	2004/0220571	11-04-04	Assaker et al.	

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	FOREIGN PATENT DOCUMENT		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	TRANSLATION	
		Country Code:	Number - Kind Code (if known)				YES	NO
3	3	CH	373516	01-15-1964	Muller			
4	4	CH	462375	10-31-1968	Allgower et al.			
5	5	CH	468824	04-15-1969	Muller			
6	6	CH	566767	09-30-1975	Spiessl et al.			
7	7	CH	600862	06-30-1978	Weber			
8	8	CH	611147	05-31-1979	Erfinder			
9	9	CH	613616	10-15-1979	Jose-Luis Gil			
10	10	CH	613858	10-31-1979	Steinemann			
11	11	DE	19720782	11-19-1998	Schlapfer			
12	12	DE	4409833 A1	10-05-1995	Bledermann et al.			
13	13	DE	2340880	08-1973	Niederdelmann, et al.			
14	14	EP	0016338 A1	10-01-1980	Brinckmann			
15	15	EP	0382256 A1	08-16-1990	Calderale			
16	16	EP	0455255 A1	11-06-1991	Ramotowski et al.			
17	17	EP	0599640 A1	06-01-1994	Yapp et al.			
18	18	EP	0705572 A2	04-10-1996	Trebing et al.			
19	19	EP	0897697 A1	02-24-1999	Richelsoph			
20	20	FR	1505513	12-15-1967	Benoist		X	
21	21	FR	2233973	06-25-1973	Chatin			
22	22	FR	2480106	04-13-1981	Wenk			

Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Application Number 10/693,604

Filing Date 10/27/2003

First Named Inventor Richard ASSAKER

Art Unit 3731

Confirmation No. 6463

Examiner Name Unknown

Sheet 2 of 4

Attorney Docket Number 64118.000033

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	FOREIGN PATENT DOCUMENT		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	TRANSLATION	
		Country Code:	Number - Kind Code (if known)				YES	NO
/K	23	FR	2740321	10-27-1995	Fuentes		X	
	24	FR	2778088	04-30-1998	Assaker et al.			
	25	GB	780,652	08-07-1957	Evans			
	26	UK	1153090	05-21-1969	Synthes AG			
	27	UK	1601383	10-28-1981	Institut Straumann			
	28	WO	95/25474	09-28-1995	Biedermann			
	29	WO	98/34553	08-13-1998	Michelson			
	30	WO	98/34556	08-13-1998	Michelson			
	31	WO	98/52482	11-26-1998	Schlapfer			
	32	WO	99/04718	02-04-1999	Bacelli			
/K	33	WO	99/56653	11-11-1999	Assaker et al.			
	34	WO	01/26566	04-19-2001	Needham et al.			

## OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	TRANSLATION
/K	35	Cross Medical Products, Inc.'s Reply and Counterclaims to Medtronic's Counterclaims (11/13/03), <i>Cross Medical Products, Inc. v. Medtronic Sofamor Danek, Inc. et al.</i> , No. SACV 8:03-0110 GLT (C.D. Cal. filed February 4, 2003).	
	36	Medtronic's Reply and Counterclaim (12/3/03), <i>Cross Medical Products, Inc. v. Medtronic Sofamor Danek, Inc. et al.</i> , No. SACV 8:03-0110 GLT (C.D. Cal. filed February 4, 2003).	
	37	Blackstone Anterior Cervical Plate Brochure; Blackstone Medical Inc.	
	38	Lowery, L. Gary, "Orion Anterior Cervical Plate System," 1995, pp. 1-25.	
/K	39	Casper, "Anterior Cervical Fusion Instrumentation and Trapezial Osteosynthetic Plates," Aesculap; Publication date unknown.	



Substitute for form 1449A (7/95)

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Application Number 10/693,604

Filing Date 10/27/2003

First Named Inventor Richard ASSAKER

Art Unit 3731

Confirmation No. 6463

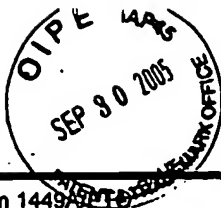
Examiner Name Unknown

Sheet 3 of 4

Attorney Docket Number 64118.000033

## **OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS**


Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	TRANSLATION
JK	40	Codman, "Codman Anterior Cervical Plate System," Publication date unknown.	
	41	Spine Tech, "Cervi-Lok Cervical Fixation System Surgical Technique Manual," Publication date unknown.	
	42	Satomi, Keichi, DDS et al., "Bone-implant interface structures after nontapping and tapping insertion of screw-type titanium alloy endosseous implants," The Journal of Prosthetic Dentistry, March 1988 59(3):339-342.	
	43	Phillips, John H. et al., "Comparison of Compression and Torque Measurements of Self-Tapping and Pretapped Screws," Plastic and Reconstructive Surgery, March 1989 83(3):447-456.	
	44	An, Howard S et al., "Spinal Instrumentation," Williams & Williams, 1992, pp. 1-11, 49-60, 167-196, 257-280, 379-411.	
	45	Scient'x, "Cervical Plate-Cage Systems," Publication date unknown.	
	46	Synthes, "Cervical Spine Locking Plate System," 1995.	
	47	Smith & Nephew Orthopaedics, "The Aline Anterior Cervical Plate," Publication date unknown.	
	48	AcroMed, "AcroPlate Anterior Cervical System," 1994.	
	49	Edward C. Benzel and Hansen Yuan, "DOC Ventral Cervical Stabilization System," pp. 1-8 AcroMed (1998).	
	50	"DOC Ventral Cervical Stabilization System, Ordering Information for Implants and Instruments," pp. 1-8 AcroMed (1998).	
JK	51	Hansen Yuan and Edward Benzel, "AcroMed Surgeon-Driven Spinal Solutions, DOC Ventral Cervical Stabilization System," pp. 1-3 AcroMed (1998).	



<b>Substitute for form 1449</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>		Application Number	10/693,604		
		Filing Date	10/27/2003		
		First Named Inventor	Richard ASSAKER		
		Art Unit	3731		
		Confirmation No.	6463		
		Examiner Name	Unknown		
Sheet	4	of	4	Attorney Docket Number	64118.000033

**OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	TRANSLATION	
file	52	Author unknown, "Dynamic Compression Plates," pp. 70-79, Publication date unknown.		
	53	Bagby, George W. et al., "An Impacting Bone Plate," from Staff Meetings of the Mayo Clinic, February 6, 1957, 32(3):55-57.		
	54	Bagby, George W. et al., "The Effect of Compression on the Rate of Fracture Healing Using a Special Plate," American Journal of Surgery, May 1958, 95:761-771.		
	55	Bertolin, "The Use of My Compression Plate for Osteosyntheses of the Various Types of Femoral Intertrochanteric Osteotomies," Translation from Italian of a paper presented at the Congress of the Society of Orthopaedics and Traumatology of the Medical Union of the Latin Mediterranean, June 6-7, 1965.	X	
	56	"Premier™ Anterior Cervical Plate System Surgical Technique," Medtronic Sofamor Danek © 2000.		
file	57	"Zephir™ Anterior Cervical Plate System Surgical Technique," Medtronic Sofamor Danek © 2000.		

EXAMINER SIGNATURE 	DATE CONSIDERED 09/30/06
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Application Number 10/693,604

Filing Date 10/27/2003

First Named Inventor Richard ASSAKER

Art Unit 3731

Confirmation No. 6463

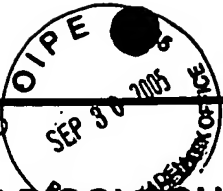
Examiner Name Unknown

Sheet 1 of 3

Attorney Docket Number 64118.000033

## U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	DOCUMENT NUMBER Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
/	1	RE28,841	06/1976	Allgower et al.	
/	2	2,443,363	06/1948	Townsend et al.	
	3	3,386,437	06/1968	Treace	
	4	3,659,595	05/1972	Haboush	
	5	3,741,205	06/1973	Markolf et al.	
	6	3,779,240	12/1973	Kondo	
	7	3,842,825	10/1974	Wagner	
	8	4,102,339	07/1978	Weber et al.	
	9	4,119,092	10/1978	Gil	
	10	4,408,601	10/1983	Wenk	
	11	4,484,570	11/1984	Sutter et al.	
	12	4,488,543	12/1984	Tomier	
	13	4,493,317	01/1985	Klaue	
	14	4,503,848	09/1985	Caspar et al.	
	15	4,513,744	04/1985	Klaue	
	16	4,570,624	02/1986	Wu	
	17	4,794,918	01/1989	Wolter	
	18	4,907,577	03/1990	Wu	
	19	4,911,153	03/1990	Border	
	20	4,957,486	09/1990	Schmidt	
	21	4,957,497	09/1990	Hoogland et al.	
	22	4,959,065	09/1990	Arnett et al.	
	23	5,041,113	08/1991	Biedermann et al.	
	24	5,041,116	08/1991	Wilson	
	25	5,057,111	10/1991	Park	
	26	5,108,395	04/1992	Laurain	
	27	5,127,912	07/1992	Ray et al.	
/	28	5,127,914	07/1992	Calderale et al.	



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Application Number 10/693,604

Filing Date 10/27/2003

First Named Inventor Richard ASSAKER

Art Unit 3731

Confirmation No. 6463

Examiner Name Unknown

Sheet

2

of

3

Attorney Docket Number 64118.000033

**U.S. PATENT DOCUMENTS**

29	5,129,899	07/1992	Small et al.	
30	5,147,361	09/1992	Ojima et al.	
31	5,180,381	01/1993	Aust et al.	
32	5,261,910	11/1993	Warden et al.	
33	5,300,073	04/1994	Ray et al.	
34	5,324,290	06/1994	Zdeblick et al.	
35	5,364,399	11/1994	Lowery et al.	
36	5,380,328	01/1995	Morgan	
37	5,397,363	03/1995	Gelbard	
38	5,423,826	06/1995	Coates et al.	
39	5,484,439	01/1996	Olson et al.	
40	5,486,176	01/1996	Hildebrand et al.	
41	5,487,743	01/1996	Laurain et al.	
42	5,492,442	02/1996	Lasner	
43	5,545,166	08/1996	Howland	
44	5,549,612	08/1996	Yapp et al.	
45	5,558,674	09/1996	Heggeness et al.	
46	5,578,034	11/1996	Estes	
47	5,601,553	02/1997	Trebing et al.	
48	5,607,426	03/1997	Ralph et al.	
49	5,616,142	01/1997	Yuan et al.	
50	5,616,144	04/1997	Yapp et al.	
51	5,620,443	04/1997	Gertzbein et al.	
52	5,676,666	10/1997	Oxland et al.	
53	5,681,311	10/1997	Foley et al.	
54	5,735,850	04/1998	Baumgartner et al.	
55	5,766,254	06/1998	Gelbard	
56	5,797,911	09/1998	Benzel et al.	
57	5,800,433	09/1998	Benzel et al.	
58	5,824,088	10/1998	Kirsch	

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Application Number 10/693,604

Filing Date 10/27/2003

First Named Inventor Richard ASSAKER

Art Unit 3731

Confirmation No. 6463

Examiner Name Unknown

Sheet

3

of

3

Attorney Docket Number 64118.000033

**U.S. PATENT DOCUMENTS**

59	5,827,286	10/1998	Incavo et al.
60	5,851,207	12/1998	Cesarone
61	5,876,402	03/1999	Errico et al.
62	5,904,683	05/1999	Pohndorf et al.
63	5,951,558	09/1999	Fiz
64	5,954,722	09/1999	Bono
65	5,957,927	09/999	Magee et al.
66	5,964,761	10/1999	Kambin
67	5,973,223	10/1999	Tellman et al.
68	5,984,925	11/1999	Apgar
69	6,017,345	01/2000	Richelsoph
70	6,129,730	10/2000	Bono et al.
71	6,136,002	10/2000	Shih et al.
72	6,139,550	10/2000	Michelson
73	6,152,927	11/2000	Farris et al.
74	6,193,721	02/2001	Michelson
75	6,224,602	05/2001	Hayes
76	6,235,034	05/2001	Bray
77	6,248,105	06/2001	Schlapfer et al.
78	6,258,089	07/2001	Campbell et al.
79	6,306,136	10/2001	Baccelli
80	6,533,786 B1	03/2003	Needham et al.
81	6,602,256	08/2003	Hayes
82	6,652,525	11/2003	Assaker et al.

EXAMINER SIGNATURE

DATE CONSIDERED

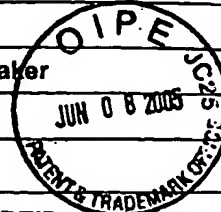
\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Application Number	10/693,604
Filing Date	10/27/2003
First Named Inventor	Richard Assaker
Art Unit	3731
Confirmation No.	6463
Examiner Name	David Owen REIP
Attorney Docket Number	64118.000033



Sheet 1 of 2

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No.	DOCUMENT NUMBER Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No.	FOREIGN PATENT DOCUMENT		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	TRANSLATION	
		Country Code:	Number - Kind Code (if known)				YES	NO
PK		WO	94/17744	08-18-1994	Lowery et al.		1	1

**OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	TRANSLATION	
PK		Denis J. DiAngelo et al., "Cervical Plating Systems Reverse Load Transfer Through Multi-Level Strut-Grafts," North American Congress on Biomechanics, University of Waterloo, Waterloo, Ontario, Canada, 3 pages (August 14-18, 1998).		
		510(k) Summary of Safety and Effectiveness in Accordance with SMDA of 1990 Aesculap ABC Cervical Plating System, U.S. Food and Drug Administration, 6 pages, Submitted December 15, 1997.		
		Peak Fixation System, Polyaxial Cervical Plate, 20 pages, © 1998 DePuy Motech, Inc.		
		Kevin T. Foley et al., Abstract of "Anterior Cervical Plating Reverses Load Transfer Through Multi-Level Strut-Grafts," Congress of Neurological Surgeons, Seattle Washington 1998.		
		Kevin T. Foley et al., Abstract of "Anterior Cervical Plating Does Not Prevent Strut Graft Displacement in Multilevel Cervical Corpectomy," Congress of Neurological Surgeons, AANS 1997 Denver.		
PK		Christopher G. Paramore et al., "Radiographic and Clinical Follow-Up Review of Caspar Plates in 49 Patients," 84 J. Neurosurg. 957-961 (1996).		





Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Application Number	10/693,604
Filing Date	10/27/2003
First Named Inventor	Richard Assaker
Art Unit	3731
Confirmation No.	6463
Examiner Name	David Owen REIP
Attorney Docket Number	64118.000033

Sheet 2 of 2

**OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	TRANSLATION	
MC		Order on (1) Cross-Motions for Partial Summary Judgment re: Invalidity of the '602 Patent; (2) Plaintiff's Motion for Partial Summary Judgment re: Infringement of the '602 Patent, Cross Medical Products, Inc. v. Medtronic Sofamor Danek, Inc., et al., Case No. SA CV 03-110-GLT (ANx) (C.D. Cal. filed February 4, 2003).		
MC		Order on (1) Cross-Motions for Partial Summary Judgment re: Infringement of the '786 Patent; (2) Cross-Motions for Partial Summary Judgment re: Invalidity and Unenforceability of the '786 Patent, Cross Medical Products, Inc. v. Medtronic Sofamor Danek, Inc., et al., Case No. SA CV 03-110-GLT (ANx) (C.D. Cal. filed February 4, 2003).		

EXAMINER SIGNATURE

DATE CONSIDERED

02/30/06

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.